

# MEMORANDUM

Agenda Item No. 11(A) (15)


**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** April 21, 2015

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution supporting HB 205,  
SB 334, or similar legislation that  
would reduce the time period for  
which criminal history records of  
minors must be retained before  
expungement

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A) (15)  
4-21-15

RESOLUTION NO. \_\_\_\_\_

RESOLUTION SUPPORTING HB 205, SB 334, OR SIMILAR  
LEGISLATION THAT WOULD REDUCE THE TIME PERIOD  
FOR WHICH CRIMINAL HISTORY RECORDS OF MINORS  
MUST BE RETAINED BEFORE EXPUNGEMENT

**WHEREAS**, Florida law currently requires the retention of a minor's criminal history record for five years after the minor reaches 19 or 21 years of age, depending on the offense; and

**WHEREAS**, a minor's criminal history record is expunged once the applicable time period lapses; and

**WHEREAS**, the current period of time that must elapse prior to expungement of a minor's criminal history record considerably hinders the minor's ability to attend school, join the military or gain employment; and

**WHEREAS**, House Bill 205 ("HB 205") has been filed for consideration during the 2015 session of the Florida Legislature by Representative Mia Jones (D – Jacksonville); and

**WHEREAS**, companion Senate Bill 334 ("SB 334") has been filed for consideration during the 2015 session of the Florida Legislature by Senator Arthenia Joyner (D – Tampa); and

**WHEREAS**, HB 205 and SB 334 would require that a minor's criminal history record be retained until the minor reaches 18 years of age before being expunged, depending on the offense; and

**WHEREAS**, reducing the time period for the retention of a minor's criminal history record is among the Florida Legislative Black Caucus' priorities; and

**WHEREAS**, this Board wishes to express support for such legislation as it would greatly benefit the youth in Miami-Dade County,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board:

**Section 1.** Supports HB 205, SB 334, or similar legislation that would reduce the time period for which criminal history records of minors must be retained before expungement.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Arthenia Joyner, Representative Mia Jones, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

**Section 3.** Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 21<sup>st</sup> day of April, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

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